

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-10 are pending in the present application, Claims 1 and 6 having been amended, and Claims 8-10 having been added. Support for the amendments to Claims 1 and 6 is found, for example, in Applicants' Fig. 1. Support for new Claim 9 is found, for example, in original Claim 1, Applicants' Fig. 1, and paragraphs [0019]-[0027] of the originally filed specification. Support for the new Claims 8 and 10 is found, for example, at paragraph [0035] of the originally filed specification and Fig. 1. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 1 and 6 were rejected under 35 U.S.C. §102(e) as anticipated by Duvall et al. (U.S. Patent No. 6,876,858, hereinafter Duvall); and Claims 2-5 and 7 were rejected under 35 U.S.C. §103(a) as unpatentable over Duvall in view of Raith (U.S. Patent No. 6,856,807).

With respect to the rejection of Claim 1 as anticipated by Duvall, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection.

Amended Claim 1 recites, *inter alia*,

location acquiring means for acquiring the location information over the control channel from the location information calculating server, the location information having been calculated based on the request information in the location information calculating server; and

location transmitting means for transmitting, over the control channel, the location information acquired by the location acquiring means from the location information calculating server to the communication partner equipment.

Duvall does not disclose or suggest at least these elements of amended Claim 1.

Duvall describes a system where a portable device (P1 or P2) is used to contact a call center (C), wherein the call center informs the user where a vehicle is located.¹ As shown in Figs. 1 and 2 of Duvall, there is a voice channel (C1) and a control channel (C2). The call center (C) communicates with portable device (P1 or P2) over the voice channel. Thus, when the portable device (P1 or P2) receives the location of the vehicle from the call center (C), the vehicle location is transmitted through the voice channel (C1).

However, the “location acquiring means” of Claim 1 acquires location information “over the control channel from the location information calculating server.” Page 3 of the Office Action notes that “said control center sends it to the user (said user acquires location data).” The portable device (P1 or P2) of Duvall does not acquire location information from call center over the control channel. Rather, as explained above, the portable device (P1 or P2) acquires the location of the vehicle over the voice channel (C1) from the call center (C).

It is also noted that page 3 of the Office Action states “[s]ince GPS-transponder transmits processed location data over the control channel path to the control center, therefore, the control channel is used for the acquiring process.” Applicants respectfully submit that this position is inconsistent with amended Claim 1. In amended Claim 1, it is clear that the “acquiring” is done over the control channel. In Duvall, the GPS-transponder transmits over the control channel (C2), but any acquiring done by the portable device (P1 or P2) is done over the voice channel (C1).

Furthermore, when addressing the claimed “location transmitting means,” the Office Action refers to a GPS transponder transmitting location information to the call center (C) over the control channel.² However, amended Claim 1 describes that the “location transmitting means” transmits, over the control channel, location information **acquired by the**

¹ Duvall, col. 3, line 26-27.

² Office Action, page 3.

location acquiring means from the location information calculating server. Location information transmitted by the GPS transponder of Duvall is not transmitting information *acquired by the location acquiring means from the location information calculating server.* Rather, the GPS transponder receives location data from the satellite.³

Furthermore, Claim 1 recites “a portable communication terminal comprising...location requesting means for transmitting information to request calculation of location information about the portable communication terminal.” As noted above, the Office Action refers to a GPS transponder. However, the GPS transponder of Duvall is not a source of a request to calculate location information.

Thus, the GPS transponder of Duvall does not equate to the claimed portable communication terminal of Claim 1.

In view of the above-noted distinctions, Applicants respectfully submit that amended Claim 1 (and any claims dependent thereon) patentably distinguish over Duvall. Claims 6 and 9 recite elements analogous to those of Claim 1. Thus, Applicants respectfully submit that Claims 6 and 9 (and any claims dependent thereon) patentably distinguish over Duvall, for at least the reasons stated for Claim 1.

Addressing each of the further rejections, each of the further rejections is also traversed by the present response as no teachings in any of the further cited references to Raith can overcome the above-noted deficiencies of Duvall. Accordingly, it is respectfully requested that those rejections be withdrawn for similar reasons as discussed above.

Moreover, it is noted that the Office has failed to establish a *prima facie* case of obviousness for Claims 2-5 and 7. The Office Action merely states “[m]otivation to combine may be gleaned from the prior art contemplated.” This is not sufficient to establish an apparent reason as to why a person of ordinary skill in the art would combine the references a

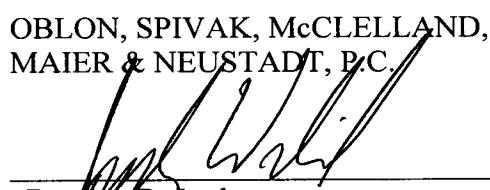
³ Office Action, page 3.

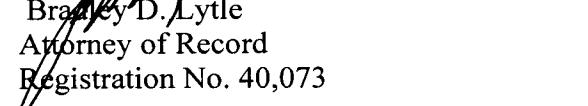
suggested by the Office Action. The U.S. Supreme Court stated: "To facilitate review, this analysis should be made explicit."⁴

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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⁴ *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398 (2007).